

**Submission by the United Nations High Commissioner for Refugees**  
**For the Office of the High Commissioner for Human Rights' Compilation Report -**  
**Universal Periodic Review:**  
**THE SLOVAK REPUBLIC**

**I. BACKGROUND INFORMATION AND CURRENT CONDITIONS**

The Slovak Republic acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* on 1 January 1993 after the dissolution of Czechoslovakia. In 2000, the Slovak Republic acceded to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.

As a Member State of the Council of Europe, the Slovak Republic is party to the *1950 European Convention on Protection of Human Rights and Freedoms* and its *Protocols*, and a signatory to many of the Council of Europe Conventions. The Slovak Republic has signed the *Council of Europe Convention on preventing and combating violence against women and domestic violence* and is expected to ratify this instrument in 2013.

The Slovak Republic continues to receive asylum-seekers, though the number of asylum applications has decreased in recent years. Refugees and asylum-seekers have come from 34 different countries of origin. At the end of 2012, the accumulated refugee population in the Slovak Republic was 662 persons, with an additional 194 asylum-seekers. In 2012, the main countries of origin for asylum-seekers and refugees in the Slovak Republic were Somali, Afghanistan, Georgia, the Democratic Republic of Congo and Armenia.

At the end of 2012 there were 63 stateless persons legally residing in the Slovak Republic. Of these 63 persons, 6 were granted tolerated residence, 47 had a temporary residence and 10 had been issued permanent residence permits. During the 2011 population census in the Slovak Republic, 1,523 persons declared themselves as stateless.

**II. ACHIEVEMENTS AND BEST PRACTICES**

***New Act on Residence***

As of January 2012, Act No. 404/2011 on Residence of Aliens (hereinafter referred to as Act on Residence) came into an effect, replacing Act No.480/2002. Several improvements have been introduced with this new law, such as enhanced access to family reunification, effectiveness of judicial review of detention cases, better conditions in detention centres, new alternatives to detention and further safeguards in the administrative expulsion procedures, including providing persons with information about free legal representation. However, the new law stopped short of eliminating all barriers in family reunification, failed to regulate an explicit right to release of asylum-seekers from detention, and has not addressed the access of beneficiaries of subsidiary protection to long-term residence.

The Act on Residence also defines a stateless person and enables the granting of permanent residence for stateless persons. In order to prove that a person is stateless, he/she must demonstrate that he/she is not a citizen of his/her country of birth, of previous residence or of the citizenship of their relatives.

### ***Emergency Resettlement***

Since 2009, the Government of the Slovak Republic, in partnership with UNHCR and IOM, has participated and financially contributed to efforts to temporarily relocate persons needing emergency evacuation and other emergency resettlement processes. Under this initiative, the Slovak Republic opened the Emergency Transit Centre (ETC) in Humenne, Eastern Slovakia. Since its opening, 364 refugees have been evacuated to the ETC and 367 have been transferred to countries of final resettlement, such as the United States of America, Canada and Norway. There have been 9 babies born in the ETC centre.

### ***Asylum procedures for Dublin II returnees***

Asylum-seekers returned to the Slovak Republic based on the Dublin II arrangement are automatically considered as asylum-seekers by the Slovak authorities, provided that their asylum procedure was previously terminated. In such cases they do not need to re-apply for asylum, even if they had previously sought protection in another EU Member State, and irrespective of the fact that they were transferred under the Dublin II Regulation. If, however, the asylum procedure of a Dublin II returnee was decided on the merits with a final decision before the applicant's return to the Slovak Republic, they must re-apply. There is no legal restriction of access to repeated asylum applications. Though evidence of multiple asylum requests can affect the overall assessment of an applicant's credibility, it cannot lead directly to a denial of asylum. Largely, it may be concluded that asylum-seekers transferred to the Slovak Republic under the Dublin II Regulation are generally protected against expulsion to third countries.

### ***Decreased segregation in education***

In October 2012, the Regional Court in Presov, Eastern Slovakia, ruled that by segregating Romani pupils in separate classes, the elementary school in the village of Sarisské Michalany had violated the law.<sup>1</sup> This ruling sent a strong signal to the authorities that separate education based on the ethnicity of the pupils is unacceptable.

## **III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

### **Issue 1: Access to asylum procedures and non-refoulement**

In 2010, there were 33 alleged cases, and in 2011, 40 alleged cases of persons forcibly returned to Ukraine. Information about these returned persons was exchanged between the Human Rights League (HRL)<sup>2</sup> in the Slovak Republic and its Ukrainian partners, Caritas and NEEKA and then reported to UNHCR, but the incidents could not be verified.

Whereas the situation at the borders had improved in 2012 with no identified cases of forced return of asylum-seekers, in the first months of 2013, UNHCR received information from a

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<sup>1</sup> Amnesty International, *Slovak court rules segregation of Roma in schools unlawful*, 31 October 2012, available at: <http://www.refworld.org/docid/509781bb2.html>

<sup>2</sup> Also known as Liga pre ľudská práva/ Human Rights League, a Slovak NGO

Ukrainian counterpart on the possible forced return of 7 persons, now subject to an investigation by the Office for Aliens and Border Police. Asylum-seekers arriving at the Eastern border have faced particular difficulties in accessing the asylum procedures in the Slovak Republic.

The shortcomings and alleged forced expulsions have raised concerns about violations of the principle of *non-refoulement*, as spelled out in Article 33 of the *1951 Convention*.

During its review of the Slovak Republic, the Committee against Torture recommended that “*The State party should adopt urgently the measures, especially legal ones, necessary to ensure protection of the rights of all asylum-seekers and persons seeking refugee status. Furthermore, the State party should apply the non-refoulement principle without any discrimination or exception.*”<sup>3</sup>

**Recommendations:**

- Ensure all procedural guarantees to asylum-seekers at border points, including the right to a personal interview, the right to interpretation services, the right to information, especially information on the right to apply for asylum and the right to the provision of free legal aid.
- Ensure that UNHCR has access to all persons in need of international protection at the borders of the Slovak Republic and to all relevant information and documentation in regards to these persons of concern.
- Ensure access to a fair and efficient refugee status determination procedure for all persons in need of international protection.
- Respect the principle of *non-refoulement* and ensure that all claims for international protection are fully and fairly assessed.

**Issue 2: Unaccompanied minor asylum-seekers**

In the current foster care system, many unaccompanied minors and separated children face challenges in accessing the asylum procedures. For example, often there are delays in identifying a guardian for a child, which can result in delayed access to asylum procedures, as the asylum procedures are only available to children who have a guardian appointed by the court. Further, children are often transferred to and from different foster care homes throughout the country depending on where they are in the foster care processing system. The frequent transfers and changes of the environment of a child, as well as the fact that some foster care homes do not have the capacity to provide specialized protection and care to children, are not consistent with the best interest of a child. Such frequent transfers can also present additional difficulties for children to access asylum procedures, and it is also more difficult for UNHCR to monitor these cases with constant changes of location.

Further, according to the Act on Residence of Foreigners, a third-country national who claims to be a minor is considered an adult until a proper age assessment is completed and is thus not immediately provided with a guardian to protect his/her best interests.

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<sup>3</sup> Committee against Torture, 43<sup>rd</sup> Session, 17 December 2009, CAT/C/SVK/CO/2, para. 8, available at: <http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.SVK.CO.2.doc>

Unless there is a serious doubt about the asylum-seekers age, an age assessment procedure should not be carried out. Attempts should first be made to establish the age via interviews and the consideration of available documentary evidence. It is vital that the child is supported through the procedure by an independent guardian/representative whose primary function is to promote the best interests of the child in all aspects of the assessment.

UNHCR advises that persons whose exact age is unknown should be accorded the benefit of the doubt so that they can have access to child-specific refugee status determination procedures.<sup>4</sup> According to UNHCR's Guidelines on Child Asylum Claims, applying restrictive age assessment approaches by States in order to treat children as adults in asylum procedures may result in violations of their rights under international human rights law. It is also very important to introduce the possibility for an asylum-seeker to appeal the outcome of the age determination before a special body, which should be capable of examining disputes related to the age assessment.

**Recommendations:**

- Ensure full access of unaccompanied children to asylum procedures by adopting measures aimed at eliminating all obstacles that delay or hinder their access to asylum procedures.
- Coordinate the Ministry of Labour, Social Affairs and Family and the Ministry of Interior to ensure that all asylum-seeking unaccompanied children remain in the care of authorities in charge of social-legal assistance during the asylum procedure and eliminate or reduce transfers between foster care or accommodation facilities.
- Ensure that the unaccompanied or separated minor receives legal representation during all legal procedures by providing a lawyer who is experienced in asylum law and children's rights.
- Amend the Slovak legislation concerning age assessment to meet international standards and practices.

**Issue 3: Subsidiary Protection**

The provision of subsidiary protection was incorporated into the national legislation in January 2007. Subsidiary protection is granted for one year and an application must be lodged annually requesting a one-year renewal. This type of protection offers neither stability nor a durable solution for the beneficiary.

Beneficiaries of subsidiary protection lack access to education, employment and other social services. This further creates challenges for beneficiaries of subsidiary protection regarding integration into society. The lack of access to employment is of particular concern, given that employment allows for economic self-sufficiency and development of marketable skills. Unlike refugees and asylum-seekers, beneficiaries of subsidiary protection are required to obtain a work permit. A work permit is only issued by a labour office on the basis of a regular employment contract. The offices do not issue work permits for work performed outside of regular employment, such as seasonal or temporary work, which is often more accessible and available to those receiving subsidiary protection. These current restrictions often leave beneficiaries of subsidiary protection jobless or push them into illegal work, which can lead to further abuse and a lack of integration into society.

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<sup>4</sup> As per Article 23, section 7 of Act No 480/2002 Coll. on Asylum.

In this respect, UNHCR welcomes the concluding observations and recommendations made by the Committee on Economic, Social and Cultural Rights and by the Human Rights Committee following their respective reviews of the Slovak Republic.

The Committee on Economic, Social and Cultural Rights recommended the State party to *“take the appropriate steps to amend its legislation to allow asylum seekers to obtain a work permit within a year. In that connection, the Committee recommends that the State party accord recognition to the academic qualifications and work experience of asylum seekers without discrimination. The Committee further recommends that the State party ensure the effective enforcement of legislation under which companies are subject to a quota for the employment of persons with disabilities.”*<sup>5</sup>

The Human Rights Committee, while appreciating efforts made by the State party to protect the rights of persons who were granted asylum and refugee status, expressed concern about the slow pace of their integration into society and their hindered access to employment, education, housing and health care. The Human Rights Committee recommended to the Government of Slovakia that *“The State party should take concrete measures to promote the integration of persons who have been granted asylum and refugee status in the State party, to ensure equal access to employment, education, housing and health. In this regard, the State party should ensure that access to employment is non-discriminatory, and that recruiters, both in the private and public sectors, respect the principle of equality and non-discrimination.”*<sup>6</sup>

#### **Recommendations:**

- Initiate legislative changes to allow the extension of subsidiary protection status for terms longer than one year, alongside extending the validity of identity documents for people with such status.
- Initiate a legislative amendment to the Foreigners Act to allow subsidiary protection holders to apply for permanent residence after a certain period. Such a change would bring the laws in line with the extended scope of the EU Directive 2003/109/EC on third country nationals with long-term residence, now including beneficiaries of subsidiary protection.
- Promote the full social integration of those with subsidiary protection through a state-funded integration programme guaranteeing minimal rights, such as the free access to Slovak language classes, the recognition of educational and professional certificates obtained abroad and all other social services provided to refugees and citizens.
- Take the necessary steps to ensure the right to legal employment without discriminatory practices for refugees and beneficiaries of subsidiary protection.

#### **Issue 4: Statelessness**

As noted above, the Slovak Republic has acceded to both the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.

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<sup>5</sup> Committee on Economic, Social and Cultural Rights, 48<sup>th</sup> Session, 8 June 2012, E/C.12/SVK/CO/2, paragraph 13, available at: <http://www2.ohchr.org/english/bodies/cescr/cescrs48.htm>

<sup>6</sup> Human Rights Committee, 101<sup>st</sup> Session, 20 April, 2011, CCPR /C/ SVK/ CO/3, para. 9, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/422/77/PDF/G1142277.pdf?OpenElement> and

Formal statelessness determination procedures have yet to be established by the Government to ensure that its obligations under the 1954 Convention can be met. The Act on the Stay of Foreigners includes some features that would be desirable in a formal statelessness determination procedure, including the requirement that stateless persons may apply for permanent residence for an indefinite period, a standard of proof for proving statelessness, and the possibility of issuing travel documents to stateless persons once that have obtained legal residence in Slovakia. However, the granting of permanent residence under the Act is not automatically applicable to all stateless persons, even if they meet all the conditions, and remains at the discretion of the Ministry of the Interior.

**Recommendations:**

- Take steps to establish national legislation on a statelessness determination procedure to give effect to the rights enshrined in the *1954 Convention relating to the Status of Stateless Persons*.

**Human Rights Liaison Unit**  
**Division of International Protection**  
**UNHCR**  
**June 2013**

## ANNEX

### Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies

#### Universal Periodic Review:

#### Slovakia

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Slovakia.

#### **Committee on the Elimination of Racial Discrimination**

CERD/C/SVK/CO/9-10, 82<sup>nd</sup> Session

1 March 2013

#### **Enforcement of the Anti-Discrimination Act**

7. The Committee takes note of the amendment of 1 January 2012 regarding the Provision of Legal Aid to Persons in Material Need aiming at increasing the efficiency of access to justice for victims of racial discrimination. It also notes that the State party refers to “several natural persons, particularly of Roma ethnic origin” who invoked the Anti-Discrimination Act (CERD/C/SVK/9-10, para. 140). However, it regrets the information that the Anti-Discrimination Act is not fully operational and that lengthy court proceedings pose an obstacle for victims of racial discrimination who wish to obtain remedies. It is also concerned by the low number of complaints despite the prevalence of racist speech and crimes in the country (arts. 2 and 6).

**In light of its General recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party fully enforce the Anti-Discrimination Act and also disseminate information regarding it to the public, in particular to minorities, informing them of all legal remedies when facing racial discrimination. It invites the State party to address the problem of lengthy court proceedings for victims of racial discrimination by ensuring, *inter alia*, that the above mentioned amendment on legal aid facilitates their access to justice and that the principle of reversing the burden of proof in civil proceedings is applied in courts in line with article 11 of the Anti-Discrimination Act. The Committee finally requests that the State party undertake a thorough analysis on the low number of complaints and take concrete measures to address the problem, including by organizing training on non-discrimination for law enforcement officials, and judges, focusing on the application of the Convention and the Anti-Discrimination Act in courts. It requests that the State party include such information in its next periodic report.**

#### **Racist discourse in the media**

8. The Committee remains concerned by the reported increase of hate speech in the media and on the Internet, including social networks as well as in sports, targeting in particular Roma, Hungarian and non-citizens. While taking note of legislative measures taken for the promotion of national minorities' languages on radio and TV programmes, the Committee

believes that additional measures need to be taken to curb hate speech in the media (arts. 4 and 7).

**In accordance with its General recommendations No. 7 (1985) on legislation to eradicate racial discrimination, No. 15 (1993) on organized violence based on ethnic origin, and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party identify individuals or groups who incite racial hatred against minorities and foreigners, investigate and apply appropriate sanctions for hate speech by politicians, governmental officials or media professionals. The Committee urges the State party to take necessary measures to promote tolerance, intercultural dialogue and respect for diversity, aimed in particular at journalists.**

#### **Lack of an independent monitoring body**

9. The Committee notes that the Control and Inspection Service Section is competent to investigate the criminal activity of Police Force Officers and that both are under the Ministry of Interior. It further notes the absence of an independent body to monitor and prosecute the alleged incidents of police brutality against persons belonging to minority groups, in particular Roma. It also expresses its concern at reported deficiencies during the investigation of ill-treatment of minorities by Police Officers, where racial motives are not always taken into account (art. 4).

**The Committee reiterates its recommendation that the State party establish an independent monitoring mechanism to carry out investigations into crimes involving Police Officers. In light of its General recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee urges the State party to take prompt measures to effectively investigate reported hate crimes and ensure that all crimes with racial motives are prosecuted in line with national legislation and the Convention, taking into account the gravity of such acts. The Committee requests the State party to provide information on the number of complaints of ill-treatment filed against Police Officers by persons belonging to minority groups as well as information on the results of investigations into those complaints and any proceedings undertaken, at both the penal and disciplinary levels.**

#### **Stigmatization of and discrimination against minorities, in particular Roma**

10. The Committee reiterates its concern regarding the continued stigmatization of, and discrimination against Roma and their ongoing precarious socio-economic situation. The Committee is further concerned by the response provided by the State party (CERD/C/SVK/9-10, paras. 149-150) that it was not possible to increase the representation of Roma in the police other than by merit, using equal criteria for all. It also regrets the lack of information on the number of Roma not only in the Police Force but also in local elected bodies (art. 5).

**The Committee urges the State party to enhance its efforts aimed at combating discrimination against Roma. In view of its General recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination and its General recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party use data to be published shortly on the living conditions of Roma, in order to ensure that urgent temporary special measures in promoting economic, social and cultural rights of Roma are designed and implemented on the basis of need and in consultation with them. In this context, the Committee also recommends that the State party implement without**



**delay the amendment of the Anti-Discrimination Act which will regulate as of 1 April 2013 special measures for the most discriminated and disadvantaged groups. The Committee further requests that the State party takes necessary measures to provide in its next periodic report the number of Roma in the police and in local elected bodies.**

#### **Continued *de facto* segregation in the education system**

11. Despite some measures taken by the State party, including the 2008 Schools Act and the December 2011 ruling of the District Court in Prešov, which ordered the desegregation of Romani pupils in the Mainstream Elementary School in Sarišské Michal'any, the Committee is concerned about:

- (a) The ongoing *de facto* segregation of Romani children in education, with the practice of Roma only schools or classes;
- (c) The lack of enforcement of the 2008 Schools Act and the Anti-Discrimination Act regarding discrimination and segregation in education as well as the lack of clear enforcement measures;
- (d) The information that the "*Roma reform*" re-introducing mandatory pre-school education for children from families affected by social exclusion might lead to discrimination and segregation (arts. 2, 3 and 5).

**The Committee recommends that the State party strengthen the provisions of the Strategy for the Integration of Roma up to 2020 and the Revised National Action Plan for the Decade of Roma Inclusion and ensure they are effectively pursued. To this end, the State party is requested to:**

- (a) Take all necessary measures to eradicate the practice of segregating Romani children in the school system and ensure that they enjoy equal opportunities in access to quality education, in light of the Committee's General recommendation No. 27 (2000) on discrimination against Roma;**
- (c) Take enforcement measures to ensure the effective application of the Schools and the Anti-Discrimination Acts, including their dissemination in schools as well as other preventive measures in order to put an end to the *de facto* segregation in education;**
- (d) Ensure that mandatory pre-school education is conducted in a manner that would remove the disparity between children of marginalized groups and the majority population, with the aim of preventing future segregation in education.**

#### **Right to adequate housing for the Roma community**

12. In light of the State party's statement (CERD/C/SVK/9-10, para. 162) that the lack of access of Roma to adequate housing is the most serious problem which has largely remained the same since the last review, the Committee expresses its serious concern that:

- (a) Limited measures have been undertaken towards promoting Roma's right to adequate housing and ending spatial segregation; and that some Roma settlements, in particular in Eastern Slovakia lack basic facilities such as sanitation, electricity, drinking water, sewage system and waste disposal;
- (b) Walls and barriers have been erected in some areas including Prešov, Michalovce, Partizánske or Trebišov, to segregate Roma from the rest of the population;
- (c) *Roma Reform's* proposed measure allowing them to buy the land in the current settlements with the aim of improving their living conditions may increase the segregation of this community;
- (d) Forced evictions and demolitions of Roma settlements are taking place without alternatives for Roma. The Committee also regrets the lack of updated information on the situation of Roma from Plavecky Stvrtok (arts. 2, 3 and 5).

**In light of its General recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:**

**(a) Effectively implement the Revised National Action Plan and the Strategy for the Integration of Roma by ensuring the right to adequate housing for Roma without discrimination and segregation in view of the importance of this right for their enjoyment of other rights enshrined in the Convention, in particular the rights to health, education and employment;**

**(c) Ensure that all efforts aiming at facilitating access to adequate housing and improving living conditions of Roma are made in conjunction with Roma and their organizations and that increased efforts are made to eradicate residential segregation bearing in mind the Committee's General recommendation No. 19 (1995) on racial segregation and apartheid;**

**(d) Put an end to forced evictions and demolitions of Roma settlements without prior notice and when such demolitions are necessary provide adequate and appropriate alternative housing solutions for them, and include in its next periodic report any measures taken to address the situation of Roma in Plavecky Stvrtok.**

#### **Awareness-raising activities on human rights and the Convention**

14. The Committee notes a persistent negative perception of the majority population towards the minorities, particularly the Roma (art. 7).

**The Committee recommends that the State party further organize human rights training to foster an awareness of tolerance, interethnic dialogue and harmony, targeting in particular law enforcement officials, judges, teachers, medical staff and social workers.**

#### **Ratification of other treaties**

17. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying international human rights treaties which it has not yet ratified, in particular treaties with provisions that have a direct relevance to communities that may be the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

#### **Committee on the Rights of the Child**

##### **Optional Protocol on the sale of children, child prostitution and child pornography**

CRC/C/OPSC/SVK/CO/1, 62<sup>nd</sup> Session

28 January 2013

#### **Data collection**

6. The Committee notes the creation of a working group to establish an information system on human trafficking. However, it is concerned that this data collection system does not cover all offences under the Optional Protocol and is not coordinated for all agencies involved in child protection matters related to the Optional Protocol.

**7. The Committee recommends that the State party establish a comprehensive information system in order to ensure that data, disaggregated, inter alia, by age, sex and ethnic or social origin, are systematically collected on all crimes covered under the Optional Protocol, and that the data be analysed and utilised as essential tools for assessment, policy development and implementation.**

### **National plan of action**

10. The Committee takes note of the National Action Plan for Children 2009-2012 and the National Action Plan on Combating People trafficking 2011–2014. However, it is concerned about the absence of a strategy or a national plan of action specifically addressing all the issues covered under the Optional Protocol, and that a sectorial approach to the Convention leads to fragmentation of its implementation.

**11. The Committee recommends that the State party develop a national plan of action aimed at addressing specifically all issues covered under the Optional Protocol, provide adequate human and financial resources for its implementation, and regularly assess and evaluate the progress achieved. In doing so, the State party should pay particular attention to the implementation of all provisions of the Optional Protocol taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First, Second and Third World Congresses against Sexual Exploitation of Children held in Stockholm, Yokohama and Rio de Janeiro in 1996, 2001 and 2008, respectively.**

### **Programmes targeting particular groups**

26. The Committee takes note of the various measures taken by the State Party to pay particular attention to children who are especially vulnerable, in particular children in situation of poverty, Roma children and unaccompanied children. However, the Committee regrets the absence of measures and programmes targeting more particularly girls, children in street situations, children in residential care, children among refugees and asylum-seekers.

**27. The Committee urges the State party to pay increased attention to children particularly at risk of becoming victims of any of the offences under the Optional Protocol, especially girls, children in situation of poverty, Roma children, children in street situations, children in residential care, children among refugees and asylum-seekers, and unaccompanied and separated children. The State party should especially put in place mechanisms to monitor the situation of risks of all vulnerable children.**

### **Existing criminal or penal laws and regulations**

28. While appreciating the provisions of the Criminal Code stipulating the prohibition of trafficking in human beings and child trafficking, as well as the series of provisions that prohibit sexual abuse of the child, supply of child's organs or employment of a child in forced labour, the Committee remains concerned that the Criminal Code does not adequately specify all offences under the Optional Protocol.

**29. The Committee recommends that the State party revise the Criminal Code in order to criminalize:**

**(a) the sale of children by offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation, transfer of organs of the child for profit, or engagement of the child in forced labour or improperly inducing consent, as an intermediary, for the adoption of a child in violation of the applicable legal instrument on adoption**

**(b) offering, obtaining, procuring or providing a child for child prostitution;**

**(c) producing, distributing, disseminating, importing, exporting, offering, selling, possessing or knowingly accessing/viewing child pornography including virtual child pornography, suggestive representations of children which do not depict children engaged in explicit sexual activity (child erotica);**

**(d) an attempt to commit any of these acts and complicity or participation in any of these acts;**

**(e) the production and dissemination of material advertising any of these acts.**

### **Impunity**

32. The Committee noted information in the State party report that persons convicted of an offence under section 181 of the Criminal Code (for the trafficking of children) shall be subject to imprisonment for a period of between 4 and 25 years. However, the Committee is seriously concerned that the majority of persons convicted of trafficking in 2008 were given suspended sentences and served no time in jail or prison sentences.

**33. The Committee recommends that the State Party take all necessary measures to combat the impunity that perpetrators of offences under the optional protocol enjoy, and to this aim draw the attention of law enforcement officials, including judges, to the sanctions that may be imposed on them in case of inaction and corruption, and to the need to ensure that persons convicted of trafficking children receive penalties commensurate to the gravity of the offence committed. It also requests the State party to ensure that the law is enforced in practice and to train the law enforcement officials in this matter.**

### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol**

38. The Committee welcomes the adoption of training programmes on the identification of victims of trafficking. Nevertheless, the Committee is concerned that such efforts are insufficient and have not been adequately institutionalized, in particular in view of the State party's data provided in its written replies on the very low number of child victims.

**39. In the light of article 9, paragraph 3, of the Optional Protocol, the Committee recommends that the State party:**

**(a) Establish mechanisms and procedures for the early identification of child victims of the offences under the Optional Protocol, including by establishing cooperation mechanisms between law enforcement agencies and relevant ministries. It further recommends that personnel responsible for such identification are trained on child rights, child protection and with interviewing skills, including judges, prosecutors, the Public Defender, the police, social workers, medical staff and other professionals working with child victims;**

**(b) Issue clear instructions to all prosecutors to actively prosecute those cases;**

**(c) Ensure that complaint mechanisms are easily accessible and available to children whose rights have been violated;**

**(d) Ensure that the newly enacted language legislation (to limit the use of some EU members language in public institutions) does not restrict the use of the child victims' mother tongue by authorities through the identification and protection process.**

### **Recovery and reintegration of victims**

42. The Committee is concerned about the absence of information on programmes of assistance for the recovery and reintegration of child victims under the Optional Protocol.

**43. The Committee recommends that the State party:**

**(a) Take all necessary measures to ensure that child victims of the offences under the Optional Protocol, particularly children of foreign origin, are provided with appropriate assistance, including for their full social reintegration and physical and psychological recovery, by, inter alia, effectively implementing its planned rehabilitation programmes;**

**(b) Guarantee that all child victims, including those who are not nationals or residents of the state party, have access to adequate procedures to seek, without discrimination,**

compensation for damages from those legally responsible, in accordance with article 9, paragraph 4, of the Optional Protocol, and establish a victims' compensation fund, for those cases where victims cannot obtain compensation from the perpetrator;

(c) Undertake measures to ensure that its rehabilitation and safe return programmes are available throughout its territory.

### **Optional Protocol on the involvement of children in armed conflict**

CRC/C/OPAC/SVK/CO/1, 62<sup>nd</sup> Session

29 January 2013

#### **Training**

8. While welcoming the establishment of various training programmes and seminars on international humanitarian law and human rights law, including provisions of the Optional Protocol, for members of the armed forces and those serving in the United Nations and NATO peace-keeping missions, the Committee is concerned about the lack of training programmes on the provisions of the Optional Protocol for all relevant professionals working with and for children, in particular border and immigration personnel, social workers, and medical professionals.

**9. The Committee recommends the State party to organise training programmes on the provisions of the Optional Protocol for all relevant professionals working with or for children, in particular border and immigration personnel, social workers, and medical professionals.**

#### **Measures adopted to protect the rights of child victims**

16. While noting that few children among refugees and asylum seekers come from countries where armed conflicts exist and where children may have been involved in armed conflict, the Committee is concerned that the State party has not put in place a mechanism to identify at an early stage children who may have been involved in armed conflict, nor a procedure for their protection, recovery and re-integration.

**17. The Committee recommends that the State party put in place mechanisms to identify at an early stage children among refugees and asylum seekers coming from countries where armed conflicts exist and who may have been involved in armed conflict in order to ensure their protection, recovery and reintegration. The Committee further recommends that the State party develop protocols and specialized services to ensure that former child soldiers are provided with appropriate assistance for their physical and psychological recovery and social reintegration.**

#### **International cooperation**

**18. The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross, the UNHCR and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with relevant United Nations entities in the implementation of the Optional Protocol.**

### **Committee on Economic, Social and Cultural Rights**

E/C.12/SVK/CO/2, 48<sup>th</sup> Session

8 June 2012

9. The Committee is concerned by the fact that the Roma continue to be the victims of discrimination, particularly in the areas of education, employment, health and housing. The Committee regrets that the State party has not furnished it with statistics on this subject (arts. 2, 6, 11, 12 and 13).

**The Committee recommends that the State party strengthen the preventive and protective measures in place to combat social and societal discrimination against the Roma in all domains, in particular by ensuring full enforcement of the Anti-Discrimination Act. The Committee also recommends that the State party undertake steps to promote the rights of the Roma, with regard to access to employment, education, housing and health. The State party should pass the bill on marginalized communities, enforce that law once it has been passed, implement its Roma integration strategy up to 2020 which it adopted on 11 January 2012 and report to the Committee on the results of those steps.**

13. The Committee is concerned by the high rate of unemployment among disadvantaged and marginalized groups of the population, particularly among the Roma and persons with disabilities and by the absence of data on the impact of steps taken to reduce unemployment among the Roma and persons with disabilities. The Committee is equally concerned by the fact that asylum seekers must wait for one year before they can obtain a work permit (art. 6).

**The Committee recommends that the State party intensify its efforts to facilitate the Roma's access to the labour market, in particular by ensuring the effective implementation of its Roma integration strategy and related plans of action. It also recommends that the State party take the appropriate steps to amend its legislation to allow asylum seekers to obtain a work permit within a year. In that connection, the Committee recommends that the State party accord recognition to the academic qualifications and work experience of asylum seekers without discrimination. The Committee further recommends that the State party ensure the effective enforcement of legislation under which companies are subject to a quota for the employment of persons with disabilities.**

19. The Committee observes with concern that human trafficking, particularly of women and girls, for purposes such as sexual exploitation, still persists throughout the State party (art. 10).

**The Committee urges the State party to strengthen its preventive and protective measures for combating trafficking in women and girls, for purposes such as sexual exploitation, in particular by ensuring effective law enforcement and training law enforcement and migration officers. It recommends that the State party continue with its public awareness-raising campaigns, increase the measures in place for assisting and rehabilitating victims, facilitate the submission of complaints, and prosecute and punish traffickers. The Committee further recommends that the State party pursue cooperative efforts with neighbouring States to prevent and combat human trafficking.**

22. The Committee is concerned by the fact that some groups within the State party's population, especially its most disadvantaged and most marginalized members, including the Roma, still do not have access to adequate housing. It is also concerned by reports of numerous forced evictions of Roma (art. 11).

**The Committee recommends that the State party ensure that the 2010 Act encouraging low-cost housing construction is implemented and that it pursue its social housing construction programme, giving priority in the assignment of such dwellings to**

**disadvantaged and marginalized groups, particularly the Roma. The Committee draws the State party's attention to its general comment No. 4 on the right to adequate housing. It also recommends that the State party avoid allowing any forced evictions of Roma to take place until these have been consulted and offered alternative accommodations. The Committee further draws the State party's attention to its general comment No. 7 (1997) on forced evictions.**

26. The Committee is concerned by reports that Roma children continue to be the victims of segregation in the State party's school system by being refused the right to attend regular classes in some areas and being taught in special classes, notwithstanding the existing provisions of the Anti-Discrimination Act and the School Act. The Committee is also concerned by the low enrolment rate among Roma children and their persistently high school dropout rate. The Committee is equally concerned by discrimination in schools against children with disabilities (art. 13).

**The Committee recommends that the State party put in place a national strategy and plan of action in order to raise the enrolment rate and lower the school dropout rate among Roma children. The Committee recommends that the State party conduct campaigns to raise awareness among Roma families and continue to offer the incentives in these respects that have already been established. The Committee also recommends that the State party combat the segregation of Roma children in schools by ensuring the effective enforcement of the Anti-Discrimination Act and the School Act and by raising teachers' and the general public's awareness of these laws. It further recommends that the State party adopt and apply an inclusive approach to the education of children with disabilities. The Committee directs the State party's attention to its general comment No. 13 (1999) on the right to education.**

#### **Human Rights Committee**

CCPR/C/SVK/CO/3, 101<sup>st</sup> Session

20 April 2011

8. While welcoming the State party's efforts to prosecute law enforcement officers who perpetrate racist attacks, particularly against Roma, the Committee is aware of the continued reports of racist attacks and lack of adequate compensation for the victims (arts. 2 and 27).

**The State party should strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against Roma, by, inter alia, providing special training to law enforcement personnel aimed at promoting respect for human rights and tolerance for diversity. The State party should also strengthen its efforts to ensure that police officers suspected of committing such offences are thoroughly investigated and prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.**

9. While appreciating the efforts made by the State party to protect the rights of persons who have been granted asylum and refugee status, the Committee is concerned at the slow pace of their integration into society, which hinders their access to employment, education, housing and health (arts. 2 and 26).

**The State party should take concrete measures to promote the integration of persons who have been granted asylum and refugee status in the State party, to ensure equal access to employment, education, housing and health. In this regard, the State party should ensure that access to employment is non-discriminatory, and that recruiters,**

**both in the private and public sectors, respect the principle of equality and nondiscrimination.**

**Committee against Torture**

CAT/C/SVK/CO/2, 43<sup>rd</sup> Session

17 December 2009

**Non-refoulement and risk of torture**

8. The Committee is concerned that, according to section 13 of the Asylum law, persons considered to be a threat to national security or a danger to the community are not protected by the principle of non-refoulement, which may expose them to a risk of torture or other cruel, inhuman or degrading treatment or punishment. It is also concerned at the very low rate of successful asylum applications (art. 3).

**The State party should adopt urgently the measures (...) necessary to ensure protection of the rights of all asylum-seekers and persons seeking refugee status. Furthermore, the State party should apply the non-refoulement principle without any discrimination or exception.**

**The Roma minority**

15. The Committee is concerned about reports of mistreatment of Roma by police officers during arrest and while in custody. It is also concerned about the high percentage of Roma children in schools for children with mental disabilities. It is further concerned about discrimination against the Roma minority, which has led to violations of the rights protected under the Convention (arts. 10 and 16).

**In the light of its general comment No. 2 on the implementation of article 2 (CAT/C/GC/2), the Committee recalls that the special protection of certain minorities or marginalized individuals or groups especially at risk is part of the State party's obligations under the Convention. In this respect, the State party should:**

**(a) Strengthen its efforts to combat ill-treatment of Roma detainees by ensuring the exercise of their legal rights from the outset of detention;**

**(b) Enforce the School Act No 245/2008 by ensuring that Roma children are admitted to mainstream education, unless a proper assessment concludes that the child has a mental disability and the child's legal guardian has requested placement in a special school. In particular, it should decouple the term "socially disadvantaged" from the term "mental disability".**

**Trafficking in persons**

19. The Committee is concerned about reports of cross-border trafficking in women for sexual and other exploitative purposes, and of Roma children trafficked abroad, especially for forced begging. The Committee is also concerned by internal trafficking of Roma women and children. The Committee regrets the lack of statistics on these issues, the low number of prosecutions and the frequent use of suspended sentences for perpetrators. The Committee is further concerned that reintegration and rehabilitation services are insufficient for victims of trafficking (art. 16).

**The State party should:**

**(a) Investigate promptly and impartially all allegations of human trafficking, especially of women and children, prosecute the alleged perpetrators and punish those found guilty with appropriate penalties;**



**(b) Intensify its efforts to provide reintegration and rehabilitation services to victims;**

**(c) Conduct nationwide awareness-raising campaigns and conduct training for law enforcement officials, migration officials and border police on the causes, consequences and incidence of human trafficking.**

### **Committee on the Elimination of Discrimination against Women**

CEDAW/C/SVK/CO/4, 41<sup>st</sup> Session

17 July 2008

#### **Positive Aspects**

20. The Committee welcomes the establishment in January 2008 of the Council of Government for Gender Equality, which is an advisory, coordination and expert body of the Government for the implementation of the principle of equality between women and men. The Committee also welcomes the adoption of the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families, in 2004, and the National Action Plan for Combating Trafficking in Persons, in 2006. It notes with appreciation the inclusion of the gender dimension in other strategic plans, including the National Action Plan for Combating Poverty and Social Exclusion, and the National Action Plan of Employment.

#### **Violence against women and trafficking**

34. While acknowledging current legal and other measures undertaken by the State party to eliminate violence against women, the Committee is concerned that the current legislation on violence may not be fully comprehensive and specific to address all forms of violence against women adequately. The Committee is also concerned at the high rate of violence against women and girls, including homicides resulting from domestic violence. The Committee notes with concern the lack of information in the State party's report with respect to support to women victims of violence, and the allocation of financial resources to programmes aimed at combating violence against women. Furthermore, the Committee is concerned at the lack of preventive programmes and campaigns targeting different groups of the population, including men, women and vulnerable communities, particularly taking into account that the phenomenon of violence against women is not acknowledged by several sectors of the population. The Committee notes that, although the State party has adopted legislation criminalizing trafficking, as well as an action plan and mechanisms to address this phenomenon, the report does not provide a full picture of the situation of trafficked women and girls in Slovakia.

**35. The Committee urges the State party to place high priority on the introduction of comprehensive and holistic measures to address all forms of violence against women in the family and in society. The Committee calls upon the State party to ensure that such violence is prosecuted and punished with the required seriousness and speed, and that those women victims of violence have immediate means of redress and protection. The Committee requests the State party to ensure that legislation on violence against women is specific and comprehensive with regard to women, encompassing all forms of violence and in line with the Committee's general recommendation No. 19. It recommends that measures be taken to provide shelters for women victims of violence in sufficient numbers and with adequate standards, and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party**

to take awarenessraising measures through the media and public education programmes, including a campaign of zero tolerance, to make such violence socially and morally unacceptable, and to undertake a study on the root causes of homicides resulting from domestic violence. The Committee requests the State party to provide detailed information on the situation of trafficked women and girls in Slovakia in its next periodic report, as well as on the results of measures taken.

#### **Roma women**

36. While acknowledging the measures taken by the State party under the Decade of Roma Inclusion 2005-2015, the Committee is concerned that Roma women and girls remain in vulnerable and marginalized situations, especially with regard to health, education, employment and participation in public life, and are victims of multiple discrimination.

37. **The Committee urges the State party to take effective measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to eliminate the multiple forms of discrimination against Roma women and girls and to enhance respect for their human rights. It calls upon the State party to accelerate achievement of Roma women's de facto equality by strengthening the coordination among all agencies working on Roma, non-discrimination and gender equality issues, in particular in the areas of health, education, employment and participation in public life. The Committee urges the State party to implement targeted measures to eliminate discrimination against Roma women in all areas within specific timetables, to monitor their implementation and achievement of stated goals, including within the Decade of Roma Inclusion 2005-2015, and to take corrective action whenever necessary. The Committee also urges the State party to take concrete steps to change the traditional perception of Roma by the majority population, including through awareness and sensitization programmes targeting, in particular, those sectors of society where such attitudes are noticeable. It calls upon the State party to provide in its next periodic report a comprehensive picture of the situation of Roma women and girls, including data disaggregated by sex in regard to their educational opportunities and achievements, access to employment and healthcare services and participation in public life and decision-making.**